

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

GRAFTON AND UPTON RAILROAD
COMPANY,

Plaintiff,

v.

TOWN OF MILFORD,
Defendant.

C.A. No.: 03-40291-NMG

JOINT STATUS REPORT

The parties in the above-captioned, pursuant to the court's *Memorandum & Order* dated February 27, 2004, hereby provide to this Honorable Court a status report concerning the defendant's *Petition of the Town of Milford, Massachusetts for Declaratory Order* pending before the Surface Transportation Board ("STB"), Finance Docket No.: 34444.

Counsel for the plaintiff, Grafton and Upton Railroad Company ("GU"), contacted the STB and spoke with in-house counsel, Nancy Bider, who informed counsel that the STB has not yet rendered a decision on the Town of Milford's petition and she further informed counsel for the GU that she is prohibited from disclosing to him any further details of the status of the petition, such as how much more time the STB may need to decide the matter. Counsel for the GU then inquired if the judge's clerk could call to obtain additional information concerning the status of the STB's decision and was informed that said clerk would be informed that it is prohibited to provide any additional information other than the matter is still pending or decided. Counsel for the GU provided this information to counsel for the Town of Milford.

The parties next *Joint Status Report* is due to the court on August 29, 2004, should the STB still have not rendered a decision on the pending petition.

Respectfully submitted:

GRAFTON AND UPTON RAILROAD CO.,
by its attorneys,

/s/ Richard A. Davidson, Jr.

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TOWN OF MILFORD, MASSACHUSETTS
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/s/ Gerald M. Moody

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Dated: June 4, 2004